

2. Respondent Sheldon-Goodrich Funeral Home (“Sheldon Goodrich”) is a licensed Missouri funeral establishment (license #001864) and is authorized to operate a funeral establishment at 3rd & Market Street, Osceola, Missouri. At all times mentioned herein, Respondent’s license was current and active.

3. On or about October 31, 2006, the Board and Sheldon-Goodrich entered into a settlement agreement, in which Sheldon-Goodrich stipulated that cause existed to discipline its funeral establishment license. Pursuant to the settlement agreement, the Board and Sheldon-Goodrich stipulated, in part, that Sheldon-Goodrich’s funeral establishment license would be suspended for a period of three days.

4. Specifically, paragraph II.1 of the October 31, 2006, settlement agreement provided:

[Sheldon Goodrich] funeral home’s FUNERAL ESTABLISHMENT LICENSE, License No. 001864, is SUSPENDED for a period of THREE DAYS. During the period of suspensions, [Sheldon-Goodrich] Funeral Home may not practice as a funeral home as defined in Chapter 333, RSMo, nor receive any compensation as such.

5. Pursuant to the settlement agreement, Sheldon-Goodrich was notified by the Board on December 14, 2006, via certified mail, that the aforementioned suspension of its funeral establishment license was to be served on December 24, 25 and 26, 2006.

6. Paragraph II.4. of the settlement agreement further provided that “in the event the Board determines that Funeral Home has violated any term or condition of this Agreement, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Funeral Home’s licenses.”

7. On approximately December 24, 2006, and December 26, 2006, Sheldon-Goodrich operated as a funeral establishment license while its license was suspended by the Board.

8. Specifically, on or about December 24, 2006, Catherine Williams was cremated, or other funeral services were provided for Catherine Williams, at Sheldon-Goodrich for compensation.

9. Additionally, on approximately December 26, 2006, John W. Rash was embalmed, or other funeral services were provided for John Rash, at Sheldon-Goodrich for compensation.

10. As a result of the foregoing, Assistant Attorney General Rex Fennessey filed a complaint with the Board requesting that a probation violation hearing be held by the Board to determine whether further disciplinary action was warranted.

11. Pursuant to § 620.153, RSMo 2000, the Board set this matter for a probation violation hearing on March 28, 2007, at 3:30 p.m., and served notice of said hearing upon Respondent Sheldon-Goodrich in a proper and timely fashion.

12. Pursuant to § 620.153, RSMo 2000, the Board held a probation violation hearing on March 28, 2007, at approximately 3:30 p.m. The Board was represented by Assistant Attorney General Rex Fennessey.

II.

CONCLUSIONS OF LAW

13. Pursuant to § 620.153, RSMo, 2000, the Board has authority to impose additional discipline against Respondent Sheldon-Goodrich for violating any disciplinary terms previously imposed or agreed to pursuant to settlement against a licensee.

14. Section 620.153, RSMo 2000, provides:

Any board, commission or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. *The board, commission or committee may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.*

15. Section 333.121.3, RSMo 2000, provides the Board may discipline a funeral establishment's license after an initial disciplinary hearing by revoking, probating or suspending said license.

16. The Board finds Respondent Sheldon-Goodrich has violated the terms and conditions of the settlement agreement issued by the Board, by operating Sheldon-Goodrich as a funeral establishment while the funeral establishment license was suspended, as described in paragraphs 8 & 9 of this Order.

17. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

18. Based on the foregoing, and after having fully considered all the evidence, it is the **ORDER** of the Board that Respondent's funeral establishment license shall be suspended for an additional **SIX (6) DAYS**, on dates to be determined by the Board. During the period of suspension, Sheldon-Goodrich shall not practice as a funeral home as defined in Chapter 333, nor receive any compensation as such.

19. If Respondent Sheldon-Goodrich fails to comply with the terms of this order, in any respect, the Board may choose to conduct a hearing before it either during the disciplinary

period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose disciplinary action under § 620.153, RSMo. The Board has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

20. This Order does not bind the Board or restrict the remedies available to the Board for any violation of Chapter 333 or Chapter 436, RSMo, as amended, not specifically mentioned in this document.

21. Upon the expiration of the disciplinary period, Respondent Sheldon-Goodrich's funeral establishment license shall be fully restored if all other requirements of law have been satisfied provided, however, that in the event the Board determines that Respondent Sheldon-Goodrich has violated any term or condition of this Order, the Board may, in its discretion, vacate and set aside the discipline imposed herein and may impose any other lawful discipline the Board shall deem appropriate, including, revocation of said certification. No order shall be entered by the Board pursuant to this paragraph without any required notice and opportunity for a hearing before the Board in accordance with Chapter 536, RSMo, as amended.

22. If the Board determines that Respondent Sheldon-Goodrich has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation.

23. Any failure by Respondent Sheldon-Goodrich to comply with any condition of discipline set forth herein constitutes a violation of this Order.

24. The terms of this Order are contractual, legally enforceable, and binding and not mere recitals. Except as otherwise contained herein, neither this Order nor any of its provisions

may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

25. The Board will maintain this Order as an open record of the Board as provided in Chapters 333, 610 and 620, RSMo.

SO ORDERED EFFECTIVE THIS 17 day of April, 2007.



Becky Dunn, Executive Director
Missouri State Board of
Embalmers and Funeral Directors